

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,                     )  
   )  
                          Plaintiff,                     )  
   )  
                          v.                             )       No. 4:09CR779 HEA  
   )                     (FRB)  
RANDY TERRELL,                                     )  
   )  
                          Defendant.                     )

**MEMORANDUM AND ORDER**  
**OF UNITED STATES MAGISTRATE JUDGE**

All pretrial motions in the above cause were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). Defendant Randy Terrell filed several pretrial motions which were heard before the undersigned on February 4, 2010. Neither party wished to present any evidence on the motions.

Motions Filed By Defendant Randy Terrell

1. Motion To Sever Defendants (Docket No. 34)

In his motion defendant seeks a separate trial from his co-defendant Jason Phipps. On February 17, 2010, co-defendant Phipps appeared before United States District Judge Henry E. Autrey and entered a guilty plea. Therefore, defendant Terrell's Motion To Sever Defendants for trial is at this time moot and should be denied as such.

2. Motion To Preserve Memoranda Relating To Interviews Of Witnesses And To Require Law Enforcement Authorities To Preserve Their Rough Notes, Rough Drafts, And Similar Materials (Docket No. 33)

In its written response to defendant's motion (Docket No. 36) the government states that, "The government has sent a formal request to the lead case agent in this matter notifying him of this

motion and requesting that all investigators preserve their rough notes and memoranda pending the outcome of this case. A copy of this formal request was sent to defense counsel on January 27, 2010, by U.S. Mail." Inasmuch as it appears that the government does not oppose the defendant's motion, the motion should be granted.

Therefore,

**IT IS HEREBY ORDERED** that defendant Randy Terrell's Motion To Sever Defendants (Docket No. 34) is denied as moot.

**IT IS FURTHER ORDERED** that defendant Randy Terrell's Motion To Preserve Memoranda Relating To Interviews Of Witnesses And To Require Law Enforcement Authorities To Preserve Their Rough Notes, Rough Drafts, And Similar Materials (Docket No. 33) is granted.

  
UNITED STATES MAGISTRATE JUDGE

Dated this 25th day of February, 2010.